

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

INDUS HOLDING CO.
Employer

and

ESMERALDA OCHOA
Petitioner

Case 32-RD-247755

and

UNITED FOOD AND COMMERCIAL WORKERS
UNION, LOCAL 5
Union

ORDER

The Employer's Request for Review of the Regional Director's determination to hold the petition in abeyance is denied as it raises no substantial issues warranting review.¹

JOHN F. RING,

CHAIRMAN

¹ We observe that the Board recently issued a Notice of Proposed Rulemaking that addresses, among other things, possible changes to the Board's blocking charge policy. See Representation-Case Procedures: Elections Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationships, 84 Fed. Reg. 39930-01 (proposed Aug. 12, 2019). For institutional reasons, we nevertheless apply extant law here in denying the Employer's Request for Review.

In denying review, we do not rely on Case 32-CA-247928, because we do not find that the Union's written offer of proof in support of the charge would, if proven, demonstrate that the Employer unlawfully refused to bargain. The Union thus fails to describe evidence that "would interfere with employee free choice in an election or would be inherently inconsistent with the petition itself," as required by Sec. 103.20 of the Board's Rules and Regulations. We instead rely solely on Case 32-CA-247914, for which we find the Union's written offer of proof sufficient.

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., December 20, 2019.